

Approved: Micah Fergenson
MICAH F. FERGENSON
Assistant United States Attorney

Before: THE HONORABLE SARAH L. CAVE
United States Magistrate Judge
Southern District of New York

20 MAG 9077

- - - - - X
: SEALED COMPLAINT
:
UNITED STATES OF AMERICA : Violations of
: 18 U.S.C. §§ 1951,
- v. - : 924(c), and 2
:
MICHAEL O'NEILL, : COUNTY OF OFFENSE:
: Bronx
Defendant. :
:
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

William J. Puskas, being duly sworn, deposes and says that he is a federal Task Force Officer assigned to the Joint Robbery Task Force of the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE

1. On or about July 28, 2020, in the Southern District of New York and elsewhere, MICHAEL O'NEILL, the defendant, did knowingly commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, O'NEILL robbed a gas station at gunpoint in Bronx, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT TWO

2. On or about July 28, 2020, in the Southern District of New York and elsewhere, MICHAEL O'NEILL, the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the robbery

charged in Count One of this Complaint, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii) and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

3. I am a federal Task Force Officer assigned to the Joint Robbery Task Force of the ATF and NYPD. I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses, and other individuals, as well as my examination of reports and other records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported in this Complaint, they are reported in substance and in part, except where otherwise indicated.

4. Based on my conversations with other law enforcement officers and my review of law enforcement reports and of relevant video and images, I have learned the following:

a. On or about July 28, 2020, at approximately 10:23 p.m., an individual ("Suspect-1") entered a gas station on City Island in the Bronx, proceeded to the cash register, and pointed a black handgun wrapped in a piece of cloth at the employee behind the register ("Employee-1"). The barrel of Suspect-1's handgun extended from the cloth and was visible, as shown in the below image taken from the gas station's overhead video surveillance ("Video-1"):



b. Suspect-1 demanded the cash from the register and Employee-1's cell phone. Employee-1 complied. Suspect-1 stuffed the cash into his sweater, took the cell phone, and exited the gas station.

c. Video surveillance from behind the register ("Video-2") captured Suspect-1's likeness and clothing. Suspect-1 was wearing a surgical mask, black gloves, a dark sweater over a light grey shirt, blue jeans, and distinctive shoes that resembled hiking boots. For a short period during the robbery, Suspect-1 lowered his surgical mask, as shown in the following image from Video-2:



d. Suspect-1's distinctive shoes were also captured by video surveillance of the gas station's entrance ("Video-3"), as shown in the below still image from Video-3:

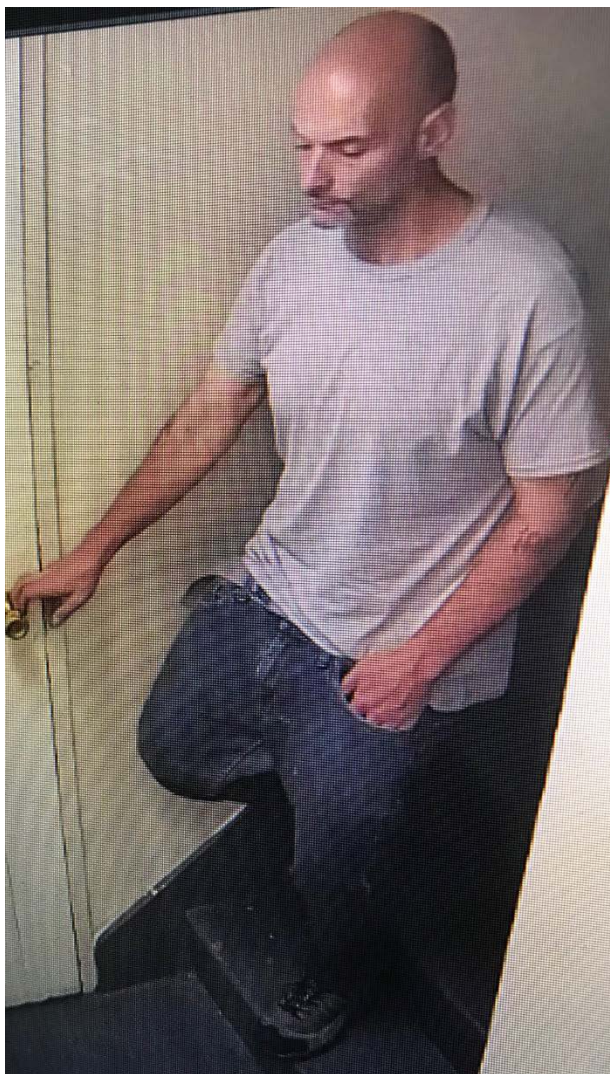


5. For the following reasons, there is probable cause to believe that Suspect-1 is MICHAEL O'NEILL, the defendant.

a. In response to an NYPD wanted poster, on or about August 3, 2020, the NYPD received an anonymous call identifying Suspect-1 as a "Mike Oneil" who lives off Middletown Road in the Bronx. The NYPD received a second anonymous tip on or about August 9, 2020. The second caller also identified Suspect-1 as "Michael O'Neill," and stated that "O'Neill" lived at a particular apartment ("Apartment-1") in an apartment building in the Bronx (the "Apartment Building"), the address for which the caller provided.

b. An NYPD officer ("Officer-1") thereafter interviewed an employee of the company that manages the Apartment Building ("Witness-1"). When shown the surveillance video of Suspect-1 from the gas station, including a still image from Video-2, Witness-1 identified Suspect-1 as a tenant named "Mike" who lives in Apartment-1. Witness-1 further stated that there have been problems with "Mike" stealing other tenants' packages and using drugs in the Apartment Building's stairwell. Officer-1 also reviewed video surveillance from the Apartment Building ("Video-4").

c. I have reviewed still images taken from Video-4 of the tenant named "Mike" whom Witness-1 identified as Suspect-1. As shown in the below still image from Video-4, dated July 28, 2020, at approximately 1:49 a.m., that is, early in the morning on the day of the robbery, "Mike" is wearing a substantially similar outfit to that worn by Suspect-1. In particular, Video-4 captured "Mike" wearing a light grey shirt, blue jeans, and distinctive shoes that resemble hiking boots:



d. I have also compared the above images from Video-1, Video-2, Video-3, and Video-4 to a photograph from law enforcement records of MICHAEL O'NEILL, the defendant, and believe them all to be of the same person: O'NEILL. Further, law enforcement records identify O'NEILL as having tattoos of Japanese letters in red color on his forearms, which tattoos appear to be visible in the image immediately above.

e. Finally, on or about March 28, 2020, NYPD went to Apartment-1 in response to a complaint from "Mike O'Neill."

WHEREFORE the deponent respectfully requests that a warrant issue for the arrest of MICHAEL O'NEILL, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

/s William J. Puskas (By Court with authorization)

William J. Puskas
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms, &
Explosives

Sworn to me through the transmission of this Complaint by reliable electronic means, pursuant to Federal Rules of Criminal Procedure 4(d) and 4.1, this
25th day of August, 2020



THE HONORABLE SARAH L. CAVE
United States Magistrate Judge
Southern District of New York